

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARIE GAUDIN, individually, and on behalf of others similarly situated,

Plaintiff,

vs.

SAXON MORTGAGE SERVICES, INC.,
a Texas corporation.

Defendant.

Case No.: 3:11-cv-01663-JST

**DECLARATION OF VERONICA
MONSIVAINS IN SUPPORT
OF SAXON'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL IN
CONNECTION WITH SAXON'S
OPPOSITION TO PLAINTIFF'S
MOTION FOR CLASS
CERTIFICATION**

I, Veronica Monsivais, declare:

1. I am employed by Saxon Mortgage Services, Inc. (“Saxon”) as Vice President of Consumer Advocacy. I make this Declaration in connection with Saxon’s Administrative Motion to File Under Seal in Connection with Saxon’s Opposition to Plaintiff’s Motion for Class Certification (the “Motion to Seal”).

2. In the course of my job duties at Saxon, I have reviewed and gathered information regarding Saxon's implementation of the Home Affordable Modification Program ("HAMP").

3. Certain redacted portions of Saxon's brief in Opposition to Plaintiff's Motion for Class Certification, the Declaration of Veronica Monsivais ("Monsivais Certification Declaration") and exhibits thereto, and the exhibits accompanying the Declaration of Laila Abou-Rahme ("Abou-Rahme Declaration") contain highly confidential information, including (1) data concerning current or former customers of Saxon, and (2) sensitive commercial information concerning the operation of Saxon's business and strategic decisionmaking.

4. I believe that access to this sensitive information would be used by Saxon's competitors to Saxon's detriment because it would give them previously unavailable insight into Saxon's operations, performance under HAMP, and strategic decisionmaking.

5. Set forth below are specific explanations regarding the need to maintain under seal limited portions of Saxon's brief in Opposition to Plaintiff's Motion for Class Certification, the

1 Monsivais Certification Declaration and exhibits thereto, and the exhibits to the Abou-Rahme
 2 Declaration. As indicated, for purposes of the Motion to Seal, Saxon withdraws its
 3 confidentiality designations for a large portion of the material that it has previously designated
 4 confidential in discovery.

5 **Exhibits to Abou-Rahme Declaration**

6 6. Exhibit 1 to the Abou-Rahme Declaration consists of excerpts from the transcript
 7 of the Rule 30(b)(6) deposition of Tim Lightfoot, formerly of Saxon. This transcript was
 8 designated confidential by Saxon. For purposes of the Motion to Seal, Saxon hereby withdraws
 9 its confidentiality designation of all portions of the Lightfoot transcript included in this exhibit
 10 except page 123, lines 6 and 15. These excerpts contain highly sensitive commercial information
 11 regarding Saxon's business operations and strategic decisionmaking, as well as confidential
 12 personal information regarding Plaintiff Marie Gaudin ("Ms. Gaudin").

13 **Exhibits to Monsivais Certification Declaration**

14 7. Exhibit 2 to the Monsivais Certification Declaration is a four-page document
 15 produced at SAXON_0001740 to SAXON_0001743. This document was designated confidential
 16 by Saxon when produced in discovery. This document is an internal Saxon process flow manual
 17 that was created in connection with Saxon's participation in HAMP. This document reflects
 18 highly sensitive commercial information regarding Saxon's business operations and strategic
 19 decisionmaking. This information has not been made available to the public previously.

20 8. Exhibits 3 and 5 to the Monsivais Certification Declaration are two documents
 21 produced at SAXON_0002217 and SAXON_0002218, respectively. These documents were
 22 designated confidential by Saxon when produced in discovery. These documents are screen shots
 23 from Saxon's proprietary Tri-Calc servicing system. These documents reflect highly sensitive
 24 commercial information regarding Saxon's business operations and strategic decisionmaking, as
 25 well as confidential personal information regarding Ms. Gaudin. This information has not been
 26 made available to the public previously.

27 9. Exhibit 4 to the Monsivais Certification Declaration is a 49-page document
 28 produced at SAXON_0000086 to SAXON_0000134. This document was designated confidential

1 by Saxon when produced in discovery. This document is a log from Saxon's FiServ system
 2 reflecting confidential communications between Saxon and Ms. Gaudin and notes regarding
 3 Saxon's review of Ms. Gaudin's loan. This document reflects highly sensitive information
 4 regarding Ms. Gaudin's loan and financial circumstances. This information has not been made
 5 available to the public previously.

6 10. Exhibit 6 to the Monsivais Certification Declaration is a six-page document
 7 produced at SAXON_0000441 to SAXON_0000446. This document was designated confidential
 8 by Saxon when produced in discovery. This document is the transcript of data from Plaintiff's
 9 2007 tax return. This document reflects highly sensitive information regarding Plaintiff's
 10 financial circumstances. This information has not been made available to the public previously.

11 **Other Documents**

12 11. The Monsivais Certification Declaration references certain information derived
 13 from discovery material designated confidential by Saxon. For purposes of the Motion to Seal,
 14 Saxon hereby withdraws its confidentiality designations for most references to Saxon-designated
 15 discovery material, except for certain portions of paragraphs 19, 20, 24, 25, and 26 that are
 16 derivative of (1) the above-referenced exhibits to which Saxon does not withdraw its
 17 confidentiality designations, and (2) one confidential document (SAXON_0002214) not attached
 18 thereto because it is an oversized Excel spreadsheet. These excerpts from the Monsivais
 19 Certification Declaration reflect highly sensitive commercial information regarding Saxon's
 20 business operations and strategic decisionmaking in connection with HAMP, as well as sensitive
 21 information regarding Plaintiff and members of the putative class.

22 12. Saxon's brief in Opposition to Plaintiff's Motion for Class Certification contains
 23 references to certain information obtained from discovery material designated confidential by
 24 Saxon. For purposes of the Motion to Seal, Saxon hereby withdraws its confidentiality
 25 designations for most references to Saxon-designated discovery material, except for certain
 26 excerpts that are derivative of the above-referenced documents to which Saxon does not withdraw
 27 its confidentiality designations. These excerpts also reflect highly sensitive commercial
 28 information regarding Saxon's business operations and strategic decisionmaking in connection

1 with HAMP, as well as sensitive information regarding Plaintiff and members of the putative
2 class.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct, and that this declaration was executed on May 30, 2013, in Fort
3 Worth, Texas.

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Veronica Monsivais